



12-22-04

1708

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Douglas R. Hackler Sr., et al.

Confirmation No. 9150

Application No. 10/613,169

Customer No. 32642

Filed: July 3, 2003

For: **MULTI-CONFIGURABLE
INDEPENDENTLY MULTI-GATED
MOSFET**

Group Art Unit: 2814

Examiner: Phat X. Cao

Date: December 21, 2004

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant responds as follows to the September 21, 2004 Office Action requiring an election of species.

Claims 1-8 and 17-44 stand subject to a restriction under 35 USC § 121. The Examiner states that restriction to one of the following species of claims is required:

Group I: double-gated device having four terminals;

Group II: a lateral bipolar transistor having no connection to the bottom gate;

and

Group III: a DT MOS device having three terminals.

Applicant provisionally elects, as required and with traverse, Group I. The claims readable on Group I include claims 1-4, 7, 8, 17-20, 23-41, 44.

The Applicants respectfully traverse the restriction of Claims 1-8 and 17-44 as the Office Action has not given a basis or provided reasons for requiring restriction between the three groups listed above. "Examiners must provide reasons and/or examples to support conclusions." MPEP 803. "Every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why the inventions *as claimed* are either independent or distinct; and (B) the reasons for insisting upon restriction as set forth in the following sections." MPEP 808.

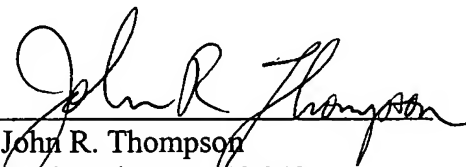
The Office Action only states that claims 1-8 and 17-44 are directed to patentably distinct species. However, the Office Action has not provided any reasons for distinction as required. The Applicants have a statement of conclusion and find it difficult to respond. A mere statement of conclusion is inadequate, and the reasons upon which the conclusion is based should be given. MPEP 816.

Furthermore, in order to establish reasons for insisting upon restriction, the Examiner must show by appropriate explanation one of the following: separate classification; separate status in the art when they are classified together; or a different field of search. MPEP 808.02 and 806.05(c). The Examiner has not provided any discussion of a separate classification, separate status in the art, or different field of search. Furthermore, the Office Action is only restricting six depending claims (5, 6, 21, 22, 42, and 43) which are specific to Groups II and III. These depending claims recite different configurations for local interconnections and do not have separate classifications, separate status in the art, or a different field of search.

The Examiner is respectfully requested to withdraw restriction of the members of the above listed three groups. The Examiner has not explained how members of the groups are independent and distinct, require separate classification, have a separate status in the art, a different field of search, and lack unity of invention. An Office Action for restriction requires the reasons why the proposed species are either independent or distinct and the reasons for insisting upon restriction. MPEP 808. Absent these reasons, the Applicants are unable to respond to reasons the Examiner may have for restriction.

If there are any remaining issues of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

By 
John R. Thompson
Registration No. 40,842

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Attorney Docket No. 51889.2

**TRANSMITTAL LETTER
(General - Patent Pending)**

DEC 21 2004

Docket No.
51889/2

In Re Application Of: **Douglas R. Hackler Sr., et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/612,169	July 3, 2003	Phat X. Cao	32642	2814	9150

Title: **MULTI-CONFIGURED INDEPENDENTLY MULTI-GATED MOSFET**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Response to Restriction Requirement
Transmittal Letter**

Petition for Two-Month Extension of Time

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in the above identified application.

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Signature

Dated: 12/21/04

**John R. Thompson
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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **Douglas R. Hackler, Sr., et al.**

Docket No.

51889/2

Application No.

10/612,169

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Examiner

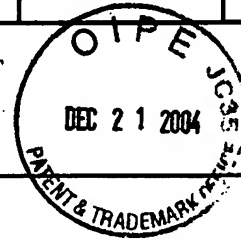
Phat X. Cao

Customer No.

32642

Group Art Unit

2814

Invention: **MULTI-CONFIGURED INDEPENDENTLY MULTI-GATED MOSFET**

I hereby certify that the following correspondence:

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